IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 180 of 2006

Rampal Singh,
S/o Sri Hari Singh,
R/o Village Makhiyalikalan,
Tehsil Laksar,
District Haridwar. ……. Petitioner

Versus

1. State of Uttaranchal,
   through Secretary,
   Food and Civil Supplies,
   Secretariat, Dehradun.
2. District Supply Officer
   Haridwar.
3. Up Zila Adhikari,
   Laksar, District Haridwar.
4. Block Development Officer
   Laksar, District Haridwar.
5. Village Panchayat Makhiyalikalan,
   Tehsil Laksar, District Haridwar,
   Through its Village Pradhan.
6. Mahipal Singh,
   S/o Sri Dila Ram,
   R/o Village Chidiyapur,
   Tehsil Laksar, District Haridwar. …… Respondents

Mr. Lok Pal Singh, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

1. The petitioner, who is a licensee of fair price shop situated at Village Makhiyalikalan, has filed this writ petition for the following reliefs:

> "i. Issue a writ, order or direction in the nature of certiorari quashing the resolution dated 12.01.2006 passed by the respondent No. 5 contained annexure no. 2.
> ii. Issue a writ, order or direction in the nature of mandamus commanding / directing the respondent nos.

1 to 5 not to make any allotment in favour of respondent no. 6 in pursuance of resolution dated 12.01.2006.

iii. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.

iv. Cost of the petition be awarded in favour of the petitioner."

2. The petitioner's main grievance appears to be against the resolution dated 12.01.2006 passed by Village Panchayat Makhiyalikalan vide Annexure 2, whereby sixth respondent Mahipal Singh has been selected as licensee for the fair price shop at Chidiyapur and it was decided to make a recommendation to the competent authority in that behalf.

3. During the course of hearing, it transpired that the proceedings arising out of the above resolution of the Village Panchayat Makhiyalikalan are pending consideration before the Sub-Divisional Magistrate, Lakdsar, District Haridwar. The petitioner also appears to have submitted a representation (Annexure 5) before the Sub-Divisional Magistrate, Laksar, District Haridwar.

4. As Sub-Divisional Magistrate, Laksar, District Haridwar has not taken any final decision in the matter so far, we direct the Sub-Divisional Magistrate, Laksar to consider the petitioner's representation also while taking final decision on the resolution passed by fifth respondent Village Panchayat, Makhiyalikalan in the matter.

5. With the above direction, the writ petition stands disposed of.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
20.02.2006 **20.02.2006**

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